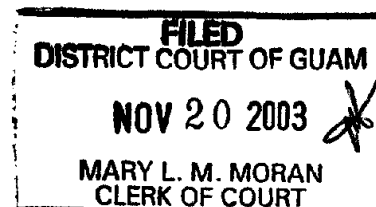


ORIGINAL

CARLSMITH BALL LLP  
ELYZE MCDONALD  
Bank of Hawaii Bldg., Suite 401  
134 West Soledad Avenue, P.O. Box BF  
Hagåtña, Guam 96932-5027  
Tel No. 671.472.6813

Attorneys for Defendant  
Continental Micronesia, Inc. dba  
Continental Micronesia and  
Continental Airlines, Inc.



IN THE DISTRICT COURT OF GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC. dba  
CONTINENTAL MICRONESIA and  
CONTINENTAL AIRLINES, INC.,

Defendant.

CIVIL CASE NO. CV02-00032

**REQUEST TO FILE FACSIMILE  
FILING**

In accordance with General Rule 5.1(a), Defendant Continental Micronesia, Inc. dba Continental Micronesia and Continental Airlines, Inc., hereby requests that the Court grant permission for Defendant to submit the attached facsimile filing, Affidavit of Jeanne K. Wilson. The Affidavit will be filed in support of Defendant's Motion for Summary Judgment, to be filed on November 21, 2003.

Ms. Wilson signed the Affidavit, however, because she lives in Texas, her signature on the Affidavit is a facsimile. Ms. Wilson will be sending to undersigned counsel an original counsel an original copy of the Affidavit via courier. Upon receipt of the original

signature, undersigned counsel will immediately file it with the Court.

DATED: Hagåtña, Guam, November 20, 2003.

CARLSMITH BALL LLP

A handwritten signature in black ink, appearing to read 'Elyze McDonald', is written over a horizontal line.

ELYZE MCDONALD  
Attorneys for Defendant  
Continental Micronesia, Inc. dba  
Continental Micronesia and  
Continental Airlines, Inc.

CARLSMITH BALL LLP

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Attorneys for Defendant

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dba Continental Micronesia

and Continental Airlines, Inc.

IN THE DISTRICT COURT FOR GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC.

dba CONTINENTAL MICRONESIA,

and CONTINENTAL AIRLINES, INC.

Defendant.

CIVIL CASE NO. CIV02-00032

AFFIDAVIT OF JEANNE K. WILSON

State of Texas

) ss.

County of Harris

I, Jeanne K. Wilson, after being duly sworn, say:

1. I am over the age of 18 years, and make this affidavit from personal knowledge. I am a senior attorney employed by Continental Airlines, Inc. and its subsidiary Continental Micronesia, Inc.

2. Continental Airlines, Inc. offers an Accidental Death and Dismemberment policy, now known as Personal Accident Insurance, which is the same insurance coverage extended to Continental Micronesia Inc.'s (a subsidiary of Continental Airlines Inc.) employees. Continental

4826-9959-1168.1.013280-00079

IMANAGE 51794v1

Micronesia began offering the AIG insurance coverage to its employees on January 1, 1998.

3. I wrote to AIG by e-mail on November 5, 2003 regarding the conversion provisions of this policy. A true and correct copy of my e-mail is attached.

4. AIG responded by e-mail with a letter attached to the e-mail. The attached e-mail is a true and accurate copy of AIG's response to my letter.

Further Affiant sayeth naught.

Executed this 19<sup>th</sup> day of November, 2003.

Jeanne K. Wilson  
Jeanne K. Wilson

Subscribed and sworn to me this 19<sup>th</sup> day of November, 2003.



Kathleen M. Plumley

4826-9959-1168.1.013280-00079

- 2 -

IMANAGE 51794v1

**Wilson, Jeanne**

**From:** Wilson, Jeanne  
**Sent:** Wednesday, November 05, 2003 1:48 PM  
**To:** 'Betty.Isaac@AIG.com'  
**Cc:** Lee, Kay; Duenas, Annie  
**Subject:** Continental Airlines, Inc.

**Importance:** High

Betty:

I have been copied on your very recent correspondence asserting that employees of Continental Airlines, Inc. who are non US citizens, non US residents are excluded from the conversion privileges in policy # PAI 804 9278.

I note that the policy clearly covers Air Micronesia (which is now doing business under the name Continental Micronesia, Inc.). CMI has a number of employees in Guam and in the Federated States of Micronesia (FSM) as well as other non-US places. There are numerous scenarios under which CMI may have employees who are neither US citizens nor US residents.

Can you please point me to the provisions that would exclude these folks (or any other non-resident, non-US citizens) from participation in the policy and conversion rights under the policy? Specifically, I point to Master Application for Group Insurance which clearly lists Air Micronesia as a "subsidiary to be covered" and to the "Conversion Privilege Rider" both of which indicate that employees who work more than 20 hours a week are covered. No exclusion appears anywhere in the policy.

It is my understanding that your company is now attempting to retroactively impose such a restriction without any notice to our Company. The matter has come up in litigation in that we are being sued by an employee who was improperly denied the right to convert coverage. Would you please immediately provide me with supporting documentation to show that you are not in breach of your contract with us?

Best regards,

Jeanne Wilson  
Senior Attorney  
Continental Airlines, Inc.

*Confidential.* The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

**Wilson, Jeanne**

**From:** Isaac, Betty [Betty.Isaac@AIG.com]  
**Sent:** Friday, November 07, 2003 8:55 AM  
**To:** Wilson, Jeanne; Isaac, Betty  
**Cc:** Lee, Kay; Duenas, Annie  
**Subject:** RE: Continental Airlines, Inc.

Jeanne, please note my response in the attachment.

Thanks.

-----Original Message-----

**From:** Wilson, Jeanne [mailto:jwilso05@coair.com]  
**Sent:** Wednesday, November 05, 2003 1:48 PM  
**To:** 'Betty.Isaac@AIG.com'  
**Cc:** Lee, Kay; Duenas, Annie  
**Subject:** Continental Airlines, Inc.  
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Jeanne Wilson  
Senior Attorney  
Continental Airlines, Inc.

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11/19/2003

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Visit [continental.com](http://www.continental.com). Check-in, choose your seat, print your boarding pass and earn 1,000 OnePass bonus miles each time you book a trip.

<http://www.continental.com>

**AIG**

Domestic Accident & Health Division  
8144 Walnut Hill Lane  
Suite 1600  
Dallas, Texas 75231  
Tel: 214-932-2337  
Fax: 214-932-2342

November 6, 2003

Ms. Jeanne Wilson  
Senior Attorney  
Continental Airlines  
P. O. Box 4607  
1600 Smith Street, HQSLG  
Houston, TX 77002

Re: Continental Airlines, Inc.  
Policy No. PAI 804 9278

Dear Ms. Wilson:

I am acknowledging receipt of your e-mail and your letter that was faxed to me today. Please be advised that AIG will honor all conversions of employees who enrolled in the Personal Accident Plan.

Coverage under the Individual Policy may not be less than \$50,000 and may not exceed the greater of: (1) the amount for which the Insured Person was covered under the Policy; or (2) \$500,000.

If you have any questions, please let me know.

Sincerely,

*Betty Isaac*

Betty Isaac  
Regional Underwriting Manager  
Domestic Accident & Health Division

/bi